

**REMARKS**

Claims 1-5 are pending. By this response, claims 1 and 5 are amended and claims 6 and 7 added. Reconsideration and allowance based on the above amendments and the following remarks are respectfully requested.

Claims 1, 4-5 stand rejected under 35 U.S.C § 103 (a) as being unpatentable over Suzuki (U.S. 5,467,129); claim 2 under 35 U.S.C § 103 (a) as being unpatentable over Suzuki in view of Murata et al. (U.S. 5,428,391) and claim 3 under 35 U.S.C § 103 (a) as being unpatentable over Suzuki and Okada et al. (U.S. 2003/0179942). These rejections are respectfully traversed.

Claim 1 has been amended to recite, *inter alia*, "wherein the compression coefficient control means is arranged to correct an error included in the characteristic value caused by a change in operation mode in the image pickup apparatus from a mode in which a user is allowed to check an image to be picked-up to another mode in which an image is picked up by use of a correction coefficient calculated in advance based on a result of measurement of a change in characteristic value at a time of change of an operation mode"

Claim 5 has been amended to recite, *inter alia*, "said characteristic value calculation step comprises an error correction step, the error being included in the characteristic value and being caused by a change in operation mode from a mode in which a user is allowed to check an image to be picked-up to a mode in which the image is picked up, the error correction step including: referring to a characteristic value correction coefficient calculated in advance based on a result of measurement of a change in characteristic value at a time of change of an operation mode."

Applicants respectfully submit that neither Suzuki, Murata or Okada teach the above features of independent claims 1 and 5. Applicants do not find

any mention of the above claimed features in the cited references.

Further, in the embodiment of the present invention as defined by claims 1 and 5, the characteristic value is used to determine a compression coefficient at the time of picking up (acquiring) an image. This allows the system to not require a buffer for received images, while maintaining the compression and reading of the image upon acquiring the image. This greatly improves the shutter time while also not including a buffer memory.

In contrast, Suzuki teaches a system which stores the acquired image in a buffer and then processes the image from the buffer. Because the image is initially stored in the buffer, the entire processing is accomplished after acquiring the image. (See columns 4, lines 44 to columns 5, lines 7).

The Office Action asserts that the high frequency component of the high pass filter 28 corresponds to the claimed characteristic value. As recited in independent claims 1 and 5, the characteristic value is extracted at the time of compressing the video signal. In Suzuki, the high pass filter acts on the image after it has been acquired and stored in the buffer. The image is stored in a buffer and then passed through the high pass filter 28 to obtain high frequency components. (See columns 4, lines 57 to 64). Thus, Suzuki's high pass filter and frequency component cannot correspond to Applicants' claimed characteristic value.

Further, in Suzuki the compression determination is performed after the image is input to the high pass filter and thus after the image is acquired. (See columns 4, lines 64 to columns 5, lines 7). The Examiner asserts that "Suzuki teaches that when the compression factor is determined, the factor is displayed by the display unit (column 4, lines 42-44). Suzuki also teaches inputs to the control unit (reference number 35, 36a, 36b) that the user has control over and

which changes the compression factor. One skilled in the art recognizes that information displayed on a display unit is to give the user controlling options. Therefore since Suzuki displays the compression factor on the display unit, it can be for the purpose of allowing the user to change the compression factor. This must occur before the user's preferred image is captured in order to allow this option to the user."

First, the display of the compression factor is after the image is acquired since the compression is detected after the image is acquired. In devices that use buffer, this is usually the manner in which processing occurs, i.e. capturing the image, storing in a buffer and processing the image from the buffer. Suzuki's teachings are no different.

Second, the display of the compression factor does not necessarily allow for change of the compression by a user. The displaying of the compression factor could be for information purposes only. Simply displaying information does not teach or suggest allowing to change that information.

Third, elements 36a and 36b are compression mode switches which determine the compression mode in the manual mode. The user selects the mode (switch on or off) prior to the display of the compression. This is performed prior to the compression of the image and possibly before acquiring the image. However, in the manual mode the compression is set regardless of the high frequency value. The high frequency value is only used in the automatic mode which requires a high frequency value to determine the compression, the high frequency value being determined from the image stored in the buffer which is obtained after acquiring the image. Thus, the compression mode switches 36a and 36b does not change the compression mode based on a characteristic value prior to acquiring the image.

Thus, Suzuki fails to teach or suggest, *inter alia*, a characteristic value calculation means for extracting a characteristic value used for predicting the amount of codes to be generated at a time of compressing a video signal acquired by said solid state image pickup device from the video signal and the compression coefficient control means for controlling a compression coefficient which is used by said data compression means based on the characteristics value acquired by said characteristic value calculation means, said compression coefficient control means using the characteristic value acquired by said characteristic value calculation means at a time of allowing users to check an image to be picked up before picking up the image and determining the compression coefficient at a time of picking up an image, as recited in claims 1 and similarly in claim 5.

Therefore, in view of the above, Applicants' respectfully submit that Suzuki fails to teach each of the features of the independent claims 1 and 5 as required.

Further, Murata and Okada are provided to teach aspects of the dependent claims in combination with Suzuki and likewise distinguished for their reliance upon claim 1 as well as for additional features they recite. Applicants respectfully submit that newly added claims 6 and 7 are also not taught by Suzuki, Murata and Okada. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

#### CONCLUSION


For these reasons above, it is respectfully submitted that claims 1-7 are distinguished over the prior art. Further considerations and allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By   
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